

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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TABATHA SENIBALDI

Plaintiff,

CIVIL ACTION NO. **TBD**

v.

TARGET CORPORATION

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Defendants.

**NOTICE OF REMOVAL FROM STATE COURT**  
**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MASSACHUSETTS**

Target Corporation (“Target” or “Defendant”), hereby removes this matter from Malden District Court (Docket No.: 2050CV00631) to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1441 (a, b) (Diversity of Citizenship 28 U.S.C. § 1332) and 28 U.S.C. § 1446 (procedure for removal). In support thereof, Target states the following:

1. Plaintiff commenced an action entitled Tabatha Senibaldi v. Target Corporation, Malden District Court Docket No.: 2050CV00631, filed on October 5, 2020 in Malden District Court. A true and correct copy of the state court complaint is attached hereto as Exhibit A.

2. This civil action is removable under 28 U.S.C. § 1441 (a) which provides, in pertinent part, “... any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed...”

3. The Defendant will promptly provide written notice, as required by 28 U.S.C. § 1446(d), to the adverse party and clerk of the state court in which this case was initially filed.

4. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in the United States District Court, pursuant to 28

U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the plaintiff and Defendant, Target Corporation, and the amount in controversy likely exceeds \$75,000. See 28 U.S.C. § 1332 (a), (c).

- a. Based on the Complaint, plaintiff is an individual residing in Revere, Massachusetts. See Exhibit A.
- b. Defendant Target Corporation is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.
- c. Plaintiff's complaint states that on January 17, 2020, plaintiff Tabatha Senibaldi was caused to fall while on Target premises, and suffered, continues to suffer and will suffer in the future, personal injuries causing her to endure continued medical care and treatment; emotional and physical pain and suffering; medical expenses; and loss of enjoyment of life. See Exhibit A.
- d. In her Statement of Damages, attached hereto as Exhibit B, plaintiff marked the box indicating that her total alleged damages are \$25,000 or less.
- e. During the course of discovery, Defendant discovered plaintiff's alleged damages more likely than not exceed \$75,000 and are significantly higher than the damages plaintiff alleged in her Statement of Damages at the time of filing her Complaint. See Exhibit B.
- f. On or about March 3, 2021, plaintiff's attorney John Regan communicated to defense counsel, via electronic mail, that, "a reasonable settlement demand for this case is \$90,000."
- g. On or about March 12, 2021, defendant obtained plaintiff's medical bills from Massachusetts General Hospital, totaling approximately \$67,365.70 for

treatment for alleged injuries relating to the subject incident. This, combined with \$6,238.34 (the sum of medical bills provided as part of plaintiff's document production, but not included in the above Massachusetts General Hospital bills), totals at least \$73,604.04 worth of medical treatment pertaining to the subject incident.

- h. Additionally, plaintiff claims \$5,019.23 of lost wages as a result of the subject incident, bringing the total damages to \$78,623.37. As such, the amount in controversy exceeds the \$75,000 requirement.

5. Target is the only defendant; thus joinder of all defendants is not applicable. 28 USC 1446(b)(2)(A).

6. The time for removal of this action has not expired, as it has been less than a year since plaintiff filed her Complaint pursuant to 28 U.S.C. § 1446 (c)(1), and less than thirty (30) days have elapsed since the case became removable pursuant to 28 U.S.C. § 1446 (b)(3).

- a. The case was not initially removable because plaintiff filed her Complaint in Malden District Court, which, in civil matters, hears cases in which the damages are not likely to be more than \$50,000, per Massachusetts State Law Guidelines.
- b. By filing her Complaint in Malden District Court, plaintiff inaccurately suggested the amount in controversy at time of filing was below the \$75,000 requirement for removal.
- c. 28 U.S.C. § 1446 (b) (3) states that a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or *other paper from which it may first be ascertained that the case is one which is or has become removable*,

which in this case occurred either on March 3, 2021 or on March 12, 2021, making this notice timely under the Federal Rules of Civil Procedure (emphasis added).

7. A copy of this notice of removal is being sent to plaintiff and the Malden District Court.

WHEREFORE, for the foregoing reasons, the Defendant, Target Corporation, respectfully requests that the above-captioned matter pending in the Malden District Court in Middlesex County, Massachusetts, be removed and that this Court take jurisdiction for trial and determination.

The Defendant,  
Target Corporation

By Its Attorneys,

/s/ Monika Zarski

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 18, 2021.

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**Counsel for Plaintiff**

/s/ Monika Zarski  
Monika Zarski